IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.3621 OF 2005

Harish Bhanaji Pujara .. Petitioner

(Orig.Plff)

versus

Mr.Haji Mohammed HajiIsaf Sardar & ors.Respts

(Orig.Defts)

Mr.Pankaj J.Das,Advocate i/b Mr.R.S.Datar for Petr.

None for Respondents

CORAM : J.N.PATEL, J

DATED : 25th July, 2006

ORAL ORDER :

1. Heard.

2. The petitioner has impugned the order passed by the trial Court which has been upheld by the District Court in the matter of granting interim relief by way of injunction against the respondents

(original defendants) so as not to interfere with his possession of the suit property.

3. The petitioner/plaintiff's case is based on the alleged agreement dated 6th September, 1971 for which a suit for specific performance is filed on 7th June, 1995 entered into between him and the defendant nos. 2 to 12 and it is his case that he was put in possession under the said agreement for sale. The petitioner could not make out a prima facie case in his favour as regards his possession of the suit property in question nor such handing over of possession is mentioned in the alleged agreement for sale and such an agreement is not registered. Therefore, the trial Court as well as the lower appellate Court were justified in refusing equitable relief of injunction in favour of the petitioner. The impugned order does not call for any interference. Petition is dismissed.

(J.N.Patel, J)